

Message

From: Matthew Culpo [MCULPO@helenamt.gov]
Sent: 8/3/2020 10:14:50 PM
To: Garcia, Al [garcia.al@epa.gov]; Llamozas, Emilio [Llamozas.Emilio@epa.gov]; Hanson, Robyn [Hanson.Robyn@epa.gov]
CC: Mark Fitzwater [mfitzwater@helenamt.gov]; Thomas Jodoin [TJODOIN@helenamt.gov]; Phil Hauck [PHAUCK@helenamt.gov]
Subject: FW: City of Helena: Yesterday's LOV Conference with EPA and Resulting List of Deliverables - City of Helena Response to Item No 7
Attachments: FW: Good morning; FW: Good morning - June and July Reports.; FW: May report and analytical

Al,

This email and attachments are intended to respond to deliverables No. 7 in the list provided below by EPA. Attached, please find email correspondence between the City of Helena's Industrial Pre-Treatment Coordinator and MRL regarding coordination and delivery of compliance reports. During the period in question, the MRL employee was out longer than expected due to a surgery and there was "No Discharge" for the report in question. I have personally followed up with a phone call and email to MRL to discuss the report and circumstances surrounding its submittal. Based on the prior correspondence, my discussion with MRL, a "No Discharge" report, and their reporting history, the City of Helena is satisfied that our response meets our Enforcement Response Plan and does not necessitate a Letter of Violation.

Please let me know if you have any comments or suggestions related our response to MRL, or if it satisfies the requirements and can be approved.

Thank you,

Matt Culpo, P.E.
Civil Engineer
City of Helena
316 North Park Avenue
City-County Building, Room 413
Ph: 406-447-8073
Cell: 406-422-6147
mculpo@helenamt.gov

From: Hanson, Robyn <Hanson.Robyn@epa.gov>
Sent: Friday, July 24, 2020 3:39 PM
To: Phil Hauck <PHAUCK@helenamt.gov>; Matthew Culpo <MCULPO@helenamt.gov>; Mark Fitzwater <mfitzwater@helenamt.gov>; Ryan Leland <RLELAND@helenamt.gov>
Cc: Thomas Jodoin <TJODOIN@helenamt.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>
Subject: City of Helena: Yesterday's LOV Conference with EPA and Resulting List of Deliverables

Phil, Ryan, Matt, and Mark:

Thank you once again for participating in a videoconference with the EPA yesterday regarding the City of Helena's pretreatment program. We look forward to the City's continued engagement as we pursue settlement discussions regarding a potential enforcement action under the Clean Water Act (CWA) for the violations that we alleged in our Letter of Violation, dated May 14, 2020.

As I noted yesterday after receiving your permission to proceed without the presence of the City's Attorney, our primary focus at this time is reaching agreement on a set of compliance terms to be drafted into a proposed administrative

Agreement on Consent, or “AOC.” See Section 309(a) of the CWA 33 U.S.C. § 1319(a). At a later point in our settlement discussions, we also intend to engage with the City of Helena regarding an appropriate administrative penalty as set forth in Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

For now, I am following up on my commitment to share with you the list of deliverables, in the table below, that we understand to have come out of yesterday’s conference. Please let me know if you have anything to add to this list, or if you understood any commitments differently.

Deliverables	Corresponding LOV Violation # (from 7/8/20 EPA letter)	Due Date
City of Helena:		
1. Submit an updated ordinance.	#2	September 1, 2020; City expresses it may be able to submit earlier.
2. Propose an updated IGA (that addresses EPA’s 7/8/20 comments) to Ft. Harrison for signature.	#3	No set date commitment. City and EPA agree the City will propose the updated draft IGA “soon” so EPA can be available to join discussions if Ft. Harrison does not agree to sign. If this is still outstanding when we draft the AOC, that document will propose a date for completion of the City’s proposal of the IGA.
3. Reissue the modified DIP permit, addressing EPA’s comments (to be provided by August 5, 2020).	#4	By August 15, 2020.
4. Provide a narrative explanation to EPA of the IU inventory and characterization procedures the City is implementing or planning to implement, for existing and new facilities, including a timeline for implementation and a description of how the City will update its IU inventory (of existing and new facilities) yearly.	#5 & #6	By August 1, 2020.
5. City will update its prior IU Inventory procedures governing notification of IUs (submitted to AI during 2017 Pretreatment Audit, which he sent back to the City on 7/23/20).	#7	September 1, 2020 (EPA agreed to extend from the original 8/15 date requested).
6. City to update the Sampling & Analysis Plan it provided to EPA (via AI Garcia) on 6/30/20 and resubmit to EPA for approval. The updates should ensure the plan provides for representative sampling, appropriate timing for the samples, calibration of pH meter with logs of the calibrations, and any other updates needed to address the Proposed Action in EPA’s July 8, 2020 letter.	#8 & #9	August 5, 2020.

7. City to review its enforcement records on MRL's late report, including documented phone calls and provide those records to EPA if they exist. Alternatively, City will discuss with the City's Attorney taking enforcement response on the late report.	#9	No set date commitment. As soon as possible.
8. City to develop a procedure for receiving and analyzing self-monitoring reports from SIUs and following up with enforcement responses per the City's ERP.	#9	Agree to do within timelines proposed in July 8, 2020 letter (p. 14), if not earlier.
9. City to continue to strategize methods to recruit and budget a FTE designated to implement its PT Program. Phil and Al to discuss ideas about steps that could ensure qualified personnel implement the PT program.	#10	No set date commitment. Phil will contact Al to set a time to talk.
EPA:		
1. Review the City's recently proposed draft Local Limits, as submitted via email to Al Garcia on 6/30, to ensure they are approvable.	#1	No set date commitment. EPA acknowledges receipt of Helena's proposed Local Limits and has added the document to the queue of municipal proposals under review.
2. Provide edits and comments on the City's recently provided draft DIP permit, including EPA's request for removal of the administrative extension language and language requiring samples to be "representative."	#4	August 5, 2020 (City still plans to reissue by August 15 th)
3. Al to discuss ideas with Phil about steps that could ensure qualified personnel implement the PT program; EPA to consider sharing advice based on what other similarly sized municipalities do.	#10	No set date commitment. Phil will contact Al.

Finally, I am CC'ing Mr. Jodoin to this communication. Mr. Jodoin, please do not hesitate to contact me directly if you want to discuss the EPA's claims in this matter or our proposed path forward in these ongoing settlement discussions, including any of the deliverables arising from the conference yesterday.

Regards,
Robyn

Robyn Hanson Emeson
Senior Assistant Regional Counsel
Office of Regional Counsel | Regulatory Enforcement Section
U.S. EPA Region 8 | 1595 Wynkoop St., Denver CO 80202 | Mail Code: 8ORC-R
Office: (303) 312-6485 | Hanson.Robyn@epa.gov

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